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Sunset Reviews
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MEMORANDUM TO: David M. Spooner
Assistant Secretary
for Import Administration

FROM: Stephen J. Claeys
Deputy Assistant Secretary
for Import Administration

SUBJECT: Issues and Decision Memorandum for the Final Results of the Expedited Sunset
Reviews of the Antidumping Duty Orders on Stainless Steel Bar from Brazil,
India, Japan, and Spain

Summary

We have analyzed the substantive responses of the domestic interested parties in the second sunset reviews of the antidumping duty orders covering stainless steel bar from Brazil, India, Japan, and Spain.¹ We recommend that you approve the positions we developed in the “Discussion of the Issues” section of this memorandum. Below is the complete list of the issues in these sunset reviews for which we received substantive responses:

1. Likelihood of continuation or recurrence of dumping
2. Magnitude of the margins likely to prevail

History of the Orders

Brazil and Spain

The Department published its final affirmative determination of sales at less than fair value (LTFV) with respect to imports of stainless steel bar (SSB) from Brazil on December 28, 1994. See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar From Brazil, 59 FR 66914 (Dec. 28, 1994). In the determination, the Department found a weighted-average dumping margin of 19.43 percent ad valorem for Acos Villares, S.A., and 19.43 percent ad valorem for all other manufacturers, producers, and exporters of SSB from Brazil. Id. at 66916. Subsequently, the Department published the antidumping duty order on SSB from Brazil.

¹ We received no responses from respondent interested parties.

See Antidumping Duty Orders: Stainless Steel Bar from Brazil, India and Japan, 60 FR 9661 (Feb. 21, 1995) (Antidumping Duty Orders).

The Department published its amended final affirmative determination of sales at LTFV with respect to imports of SSB from Spain on March 2, 1995. See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar From Spain, 59 FR 66931 (Dec. 28, 1994), and Amended Final Determination and Antidumping Duty Order: Stainless Steel Bar From Spain, 60 FR 11656 (Mar. 2, 1995). In the determination, the Department found a weighted-average dumping margin of 62.85 percent ad valorem for Acenor, S.A. (and all successor companies, including Digeco, S.A. and Clorimax, S.A.), 7.72 percent ad valorem for Roldan, S.A., and 25.77 percent ad valorem for all other manufacturers, producers, and exporters of SSB from Spain. *Id.* at 11658. The Department published the antidumping duty order on SSB from Spain and the amended final determination concurrently. *Id.* at 66931.

Since the issuance of the antidumping duty orders, the Department has not conducted any administrative or new-shipper reviews of the orders on SSB from either Brazil or Spain. There have been no changed-circumstances or duty-absorption reviews of the antidumping duty orders.² There have not been any scope rulings on SSB from either Brazil or Spain. The orders remain in effect for all manufacturers, producers, and exporters of SSB from Brazil and Spain.

India

The Department published its final affirmative determination of sales at LTFV with respect to imports of SSB from India on December 28, 1994. See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar From India, 59 FR 66915 (Dec. 28, 1994). In the determination, the Department found a weighted-average dumping margin of 3.87 percent ad valorem for Grand Foundry, Ltd., 21.02 percent ad valorem for Mukand, Ltd., and 12.45 percent ad valorem for all other manufacturers, producers, and exporters of SSB from India. *Id.* at 66921. Subsequently, the Department published the antidumping duty order on SSB from India. See Antidumping Duty Orders. Since the issuance of the antidumping duty order, the Department has conducted numerous administrative and new shipper reviews of the order.³

² Duty-absorption inquiries may not be conducted on pre-Uruguay Round Agreements Act (URAA) orders. See *FAG Italia S.p.A. v. United States*, 291 F.3d 806 (Fed. Cir. 2002) (FAG).

³ Stainless Steel Bar From India: Final Results of New Shipper Antidumping Duty Administrative Review, 62 FR 4029 (Jan. 28, 1997); Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review, 62 FR 37030 (July 10, 1997); Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review, 63 FR 13622 (Mar. 20, 1998); Stainless Steel Bar From India: Final Results of New Shipper Antidumping Duty Administrative Review, 63 FR 19712 (Apr. 21, 1998); Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review and New Shipper Review, 64 FR 13771 (Mar. 22, 1999); Stainless Steel Bar From India: Final Results of Antidumping Duty New Shipper Review, 65 FR 3662 (Jan. 24, 2000); Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review and New Shipper Review and Partial Rescission of Administrative Review, 65 FR 48965 (Aug. 10, 2000), as amended by Stainless Steel Bar From India: Notice of Amended Final Results Pursuant to Final Court Decision, 68 FR 40250 (July 7,

There have been no changed-circumstances or duty-absorption reviews of the antidumping duty order. On May 23, 2005, the Department issued a scope ruling in which it determined that SSB, manufactured in the United Arab Emirates out of stainless steel wire rod that is manufactured in India, is not included in the scope of the antidumping duty order on SSB from India. See Notice of Scope Rulings, 70 FR 55110 (Sept. 20, 2005). On September 14, 2004, the Department revoked the order with respect to SSB produced and exported by Viraj.⁴ See Stainless Steel Bar From India; Final Results, Rescission of Antidumping Duty Administrative Review in Part, and Determination To Revoke in Part, 69 FR 55409, 55411 (Sept. 14, 2004). The order remains in effect for all other manufacturers, producers, and exporters of SSB from India.

Japan

The Department published its final affirmative determination of sales at LTFV with respect to imports of SSB from Japan on December 28, 1994. See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar From Japan, 59 FR 66930 (Dec. 28, 1994). In the determination, the Department found a weighted-average dumping margin of 61.47 percent ad valorem for each of the three respondent companies (Aichi Steel Works, Ltd., Daido Steel Co., Ltd., and Sanyo Special Steel Co., Ltd.). *Id.* at 66931. The Department found that the rate for all other manufacturers, producers, and exporters of SSB from Japan was 61.47 percent ad valorem. *Id.* Subsequently, the Department published the antidumping duty order on SSB from Japan. See Antidumping Duty Orders. Since the issuance of the antidumping duty order, the Department has conducted several administrative reviews of the order.⁵ The Department has completed one changed-circumstances review of the antidumping duty order. See Stainless Steel Bar From Japan: Final Results of Changed-Circumstances Review, and Revocation of Order in Part, 64 FR 50273 (Sept. 16, 1999) (Changed-Circumstances/Revocation). There have been no

2003); Stainless Steel Bar From India: Final Results of Antidumping New Shipper Review, 65 FR 75923 (Dec. 5, 2000); Stainless Steel Bar From India: Final Results of Antidumping New Shipper Review, 66 FR 27629 (May 18, 2001); Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review, 66 FR 31208 (June 11, 2001); Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review, 67 FR 45956 (July 11, 2002), as amended by Notice of Amended Final Results of Antidumping Duty Administrative Review: Stainless Steel Bar from India, 67 FR 53336 (Aug. 15, 2002); Stainless Steel Bar From India: Final Results of New Shipper Antidumping Duty Administrative Review, 67 FR 69721 (Nov. 19, 2002); Stainless Steel Bar From India: Final Results of Antidumping Duty Administrative Review, 68 FR 47543 (Aug. 11, 2003); Stainless Steel Bar From India: Final Results, Rescission of Antidumping Duty Administrative Review in Part, and Determination to Revoke in Part, 69 FR 55409 (Sept. 14, 2004); Notice of Final Results of Antidumping Duty Administrative Review: Stainless Steel Bar From India, 70 FR 54023 (Sept. 13, 2005).

⁴ In the notice we referred to Viraj Alloys, Ltd., Viraj Forgings, Ltd., and Viraj Impoexpo, Ltd. collectively as “Viraj.” See Stainless Steel Bar From India: Final Results, Rescission of Antidumping Duty Administrative Review in Part, and Determination To Revoke in Part, 69 FR 55409, 54409 (Sept. 14, 2004) (Viraj Revocation).

⁵ Stainless Steel Bar From Japan: Final Results of Antidumping Administrative Review, 64 FR 36333 (July 6, 1999); Stainless Steel Bar From Japan: Final Results of Antidumping Administrative Review, 65 FR 13717 (Mar. 14, 2000) (Japan 98/99 Review); Stainless Steel Bar From Japan: Final Results of Antidumping Administrative Review, 67 FR 62227 (Oct. 4, 2002) (Japan 01/02 Review).

duty-absorption reviews of the antidumping duty order. On October 15, 1997, the Department determined that “Keystone 2000,” a specialty stainless steel bar product, is within the scope of the antidumping duty order. See Notice of Scope Rulings, 63 FR 6722 (Feb. 10, 1998). On September 16, 1999, after completing a changed-circumstances review, the Department revoked the order with respect to K-M35FL steel bar from Japan because it was not produced in commercial quantities in the United States and because the domestic interested parties had no further interest in the order with respect to K-M35FL steel bar. See Changed-Circumstances/Revocation, 64 FR at 50274. The order remains in effect for all manufacturers, producers, and exporters of SSB from Japan.

Background

The Department conducted the first sunset reviews of the orders on SSB from Brazil, India, Japan, and Spain pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), and found that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping at the same rates as it found in the original investigations. See Stainless Steel Bar From Brazil, India, Japan, and Spain; Final Results of Antidumping Duty Expedited Sunset Reviews, 65 FR 25909 (May 4, 2000) (Sunset Reviews). The International Trade Commission (ITC) determined, pursuant to section 751(c) of the Act, that revocation of these orders would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See Stainless Steel Bar From Brazil, India, Japan, and Spain, 66 FR 17927 (Apr. 4, 2001). Thus, the Department published the notice of continuation of these antidumping duty orders pursuant to section 777(i)(1) of the Act. See Continuation of Antidumping Duty Orders: Stainless Steel Bar From Brazil, India, Japan, and Spain, 66 FR 19919 (Apr. 18, 2001).

On March 1, 2006, the Department published the notice of initiation of the second sunset reviews of the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain pursuant to sections 751(c) and 777(i)(1) of the Act. See Initiation of Five-Year (“Sunset”) Reviews, 71 FR 10476 (Mar. 1, 2006). The Department received a notice of intent to participate in the reviews from Carpenter Technology Corp., Crucible Specialty Metals Division of Crucible Materials Corp., Electralloy Corp., North American Stainless, Universal Stainless & Alloy Products, Inc., and Valbruna Slater Stainless, Inc. (collectively the domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested-party status under section 771(9)(C) of the Act as manufacturers, producers, or wholesalers of the subject merchandise in the United States. We received complete substantive responses from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no responses from respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department has conducted expedited (120-day) sunset reviews of these orders.

Discussion of the Issues

In accordance with section 751(c)(1) of the Act, the Department conducted these sunset reviews to determine whether revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping. Sections 752(c)(1)(A) and (B) of the Act provide that, in making these determinations, the Department shall consider the weighted-average dumping margins determined in the investigations and subsequent reviews and the volume of imports of the subject merchandise for the periods before and the periods after the issuance of the antidumping duty orders. In addition, section 752(c)(3) of the Act provides that the Department shall provide the ITC with the magnitude of the margins of dumping likely to prevail if the orders were revoked. Below we address the comments of the interested parties.

1. Likelihood of Continuation or Recurrence of Dumping

Interested-Party Comments

On March 31, 2006, the domestic interested parties submitted a substantive response in each sunset review. See *Sunset Reviews of the Antidumping Duty Orders on Stainless Steel Bar From Brazil, India, Japan, and Spain*, dated March 31, 2006 (Domestic Substantive Response). The domestic interested parties assert that revocation of the antidumping duty orders would lead to a continuation of dumping by manufacturers, producers, and exporters of subject merchandise from Brazil, India, Japan, and Spain as well as material injury to the domestic industry. They argue that the records of the proceedings demonstrate that, since the imposition of the antidumping duty orders, most respondents have continued dumping and reduced the volume of subject merchandise exported to and sold in the United States. They also argue that, if the antidumping duty orders were revoked, the foreign manufacturers, producers, and exporters would need to dump in order to sell SSB in significant quantities.

The domestic interested parties assert that section 752(c)(1) of the Act instructs the Department to consider the weighted-average dumping margins from the original investigation and subsequent administrative reviews as well as “the volumes of imports of the subject merchandise for the period before and the period after the issuance of the antidumping duty order or acceptance of the suspension agreement.” They also argue that the Department has explained that “declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order may provide a strong indication that, absent an order, dumping would be likely to continue, because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes,” citing *Policies Regarding the Conduct of Five-Year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders: Policy Bulletin*, 63 FR 18871, 18872 (Apr. 16, 1998) (Policy Bulletin) (quoting the Statement of Administrative Action, H.R. Doc. No. 103-316, at 889 (1994), the House report, H.R. Rep. No. 103-826, at 63 (1994), and Senate Report, S. Rep. No. 103-412, at 52 (1994)). The domestic interested parties also assert that the Department has explained that the

existence of dumping margins after the order . . . is highly probative of the likelihood of continuation or recurrence of dumping. If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were removed.

Id.

Brazil

The domestic interested parties state that, in the two-year period preceding the petition (1992-1993), imports of SSB from Brazil averaged 4,402.5 short tons annually. Domestic Substantive Response at 25. The domestic interested parties also state that, in 1995, the year in which antidumping duties were first imposed, imports of SSB from Brazil fell to 51 short tons and remained at that level through 1996. Id. They also state that, during the period from 1997 through 2005, imports of SSB from Brazil averaged one-fifth the pre-petition average or 891 short tons annually. Id. The domestic interested parties state that, during the period from 1995 through 2005, the average annual import volume of SSB from Brazil was 738 short tons which is 83 percent lower than the average in the two years preceding the petition. Id. The domestic interested parties state that, because there have been no administrative reviews of the order, the applicable antidumping margins are those found in the original investigation. Id. at 26.

The domestic interested parties cite to the Policy Bulletin, 63 FR at 18872, and argue that the post-order data exemplify a scenario where “declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order provide a strong indication that, absent an order, dumping would be likely to continue, because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes.” Further, citing the Policy Bulletin, they assert that “the Department normally will determine that revocation of an antidumping order . . . is likely to lead to continuation or recurrence of dumping where – (a) dumping continued at any level above de minimis after the issuance of the order. . . .” The domestic interested parties state that, based on a continuation of dumping and a significant decline in import volumes following the antidumping duty order, the Department should conclude that revocation would likely lead to continuation or recurrence of dumping by manufacturers, producers, and exporters of SSB from Brazil. The domestic interested parties state that the fact that imports have declined significantly since the imposition of the order supports this conclusion. Accordingly, the domestic interested parties argue that the Department should conclude that the antidumping duty order on SSB from Brazil should be extended for an additional five years.

India

The domestic interested parties state that, following the imposition of the antidumping duty order on SSB from India, imports declined significantly. They argue that, even though imports have increased in recent years, the record demonstrates that manufacturers, producers, and exporters of

SSB from India continue to dump in the U.S. market. Specifically, the domestic interested parties argue that, during the years in which the order has been in effect, the Department has continued to find dumping margins ranging from 4.83 percent to 21.02 percent for thirteen Indian producers. They assert that, based on the continuation of post-order dumping, it is reasonable for the Department to conclude that manufacturers, producers, and exporters of SSB from India cannot sell the product at normal value in the United States competitively and that revocation would result in continued dumping. Accordingly, the domestic interested parties argue that the Department should conclude that the antidumping duty order on SSB from India should be extended for an additional five years.

Japan

The domestic interested parties state that, in the two-year period preceding the petition (1992-1993), imports of SSB from Japan averaged 15,016 short tons annually. Domestic Substantive Response at 28. The domestic interested parties also state that, in 1995, the year in which antidumping duties were first imposed, imports of SSB from Japan fell to 348 short tons. *Id.* They assert that import volumes continued to decline in 1996 and 1997 to 254 short tons and 118 short tons, respectively. *Id.* The domestic interested parties state that, during the period from 1998 through 2005, the average annual import volume of SSB from Japan was 634 short tons or 4.2 percent of the pre-petition average. *Id.*

The domestic interested parties state that, in the original investigation, the Department found a dumping margin of 61.47 percent ad valorem for the three individual respondents investigated as well as for the “all others” rate. They assert that, because only one Japanese respondent, Aichi, has requested reviews, the 61.47 percent ad valorem rate applies to all other manufacturers, producers, and exporters. Accordingly, the domestic interested parties assert all manufacturers, producers, and exporters of SSB, with the exception of Aichi, have a dumping rate of 61.47 percent.⁶

The domestic interested parties argue that the post-order data illustrate the scenario of continued dumping and declining import volumes. Citing the Policy Bulletin, 63 FR at 18872, they assert that these two factors are highly probative of the likelihood of continuation or recurrence of dumping because, if dumping continues with the discipline of an order, it is reasonable to assume that it would continue if the discipline of an order was removed. Further, the domestic interested parties assert that these factors indicate that the exporter needs to dump to sell at pre-order volumes. Accordingly, the domestic interested parties argue that the Department should conclude that the antidumping duty order on SSB from Japan should be extended for an additional five years.

⁶ The domestic interested parties assert that, in the preliminary results of the 98/99 administrative review, the Department found that Aichi’s weighted-average dumping margin was 1.72 percent. They assert erroneously that the Department has not reached a final determination which it did. See [Japan 98/99 Review](#). Further, in the most recently completed administrative review, the Department applied adverse facts available to Aichi. See [Japan 01/02 Review](#).

Spain

The domestic interested parties state that, in the two-year period preceding the filing of the petition (1992-1993), imports of SSB from Spain averaged 6,491 short tons annually. Domestic Substantive Response at 29. They also state that, in 1995, the year in which antidumping duties were first imposed, imports of SSB from Spain fell to 1,276 short tons which is 80.3 percent less than the pre-filing volume. *Id.* Further, the domestic interested parties state that, during the period from 1996 through 2005, imports of SSB from Spain averaged 19.7 percent of the pre-petition average or 1,851 short tons annually. *Id.* The domestic interested parties state that, because there have been no administrative reviews of the order, the applicable antidumping margins are those found in the original investigation.

The domestic interested parties argue that the post-order data illustrate a scenario where “declining import volumes accompanied by the continued existence of dumping margins after the issuance of the order provide a strong indication that, absent an order, dumping would be likely to continue, because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes,” citing the Policy Bulletin, 63 FR at 18872. Further, citing the Policy Bulletin, they assert that “the Department normally will determine that revocation of an antidumping order . . . is likely to lead to continuation or recurrence of dumping where – (a) dumping continued at any level above *de minimis* after the issuance of the order. . . .” The domestic interested parties state that, based on a continuation of dumping and a significant decline in import volumes following the antidumping duty order, the Department should conclude that revocation would likely lead to continuation or recurrence of dumping by manufacturers, producers, and exporters of SSB from Spain. They state that the significant decline in import volumes since the imposition of the order supports this conclusion. Accordingly, the domestic interested parties argue that the Department should conclude that the antidumping duty order on SSB from Spain should be extended for an additional five years.

Department’s Position

Consistent with the guidance provided in the legislative history accompanying the URAA, specifically the Statement of Administrative Action (SAA), H.R. Doc. No. 103-316, vol. 1 (1994), the House Report, H. Rep. No. 103-826, pt. 1 (1994) (House Report), and the Senate Report, S. Rep. No. 103-412 (1994) (Senate Report), the Department’s determinations of likelihood of a recurrence or continuation of dumping will be made on an order-wide basis. In addition, the Department normally will determine that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly.

In addition, pursuant to section 752(c)(1)(B) of the Act, the Department considers the volume of imports of the subject merchandise for the period before and after the issuance of the

antidumping order.

Below we explain our findings for each order subject to the reviews:

Brazil, Japan, and Spain

Import statistics from the World Trade Atlas, published by Global Trade Information Services, Inc., show that annual imports of the subject merchandise from Brazil, Japan, and Spain to the United States have declined significantly since the imposition of the respective antidumping duty orders. See the World Trade Atlas statistics, the source of which is the Bureau of Census of the U.S. Department of Commerce, in Attachment 1 of this memorandum. Given the continued existence of dumping margins combined with declining import volumes, the Department determines that dumping is likely to continue or recur if it revokes the orders.

India

Import statistics from the World Trade Atlas show that, in the first full year following the imposition of the antidumping duty order, annual imports of the subject merchandise from India declined significantly. See Attachment 1. While imports of SSB from India have increased subsequently, the Department has continued to find dumping margins for several respondents that are above de minimis. Given the continued existence of dumping margins, the Department determines that dumping is likely to continue or recur if it revokes the order.

2. Magnitude of the Margins Likely to Prevail

Interested-Party Comments

According to the domestic interested parties, the Policy Bulletin and SAA indicate that, when determining the magnitude of dumping margins likely to prevail if an order were revoked normally, the Department is to select a dumping margin from the original investigation. They cite the rationale provided in the SAA at 890 which provides that “{t}he Administration intends that Commerce normally will select the rate from the investigation, because that is the only calculated rate that reflects the behavior of exporters . . . without the discipline of an order or suspension agreement in place.”

The domestic interested parties assert that the Policy Bulletin, 63 FR at 18873, acknowledges that the SAA reflects appropriate policy and provides the following guidance:

Therefore, except as provided in paragraphs II.B.2 and II.B.3, the Department normally will provide to the Commission the margin that was determined in the final determination in the original investigation . . . Specifically, the Department normally will provide the company-specific margin from the investigation for each company regardless of whether the margin was calculated using a company’s

own information or based on best information available or facts available.

Finally, the domestic interested parties argue that the application of the principles set forth in the SAA and Policy Bulletin call for the Department to rely on the margins from the original investigations as listed below:

Brazil

Acos Villares, S.A.	19.43 percent ad valorem
All Others	19.43 percent ad valorem

India

Grand Foundry, Ltd.	3.87 percent ad valorem
Mukand, Ltd.	21.02 percent ad valorem
All Others	12.45 percent ad valorem

Japan

Aichi Steel Works, Ltd.	61.47 percent ad valorem
Daido Steel Co., Ltd.	61.47 percent ad valorem
Sanyo Special Steel Co., Ltd.	61.47 percent ad valorem
All Others	61.47 percent ad valorem

Spain

Acenor, S.A. (and all successor companies, including Digeco, S.A. and Clorimax, SRL)	62.85 percent ad valorem
Roldan, S.A.	7.72 percent ad valorem
All Others	25.77 percent ad valorem

Department's Position

Normally the Department will provide the company-specific margins from the original investigation to the ITC. For companies not investigated specifically or for companies that did not begin shipping until after the order was issued, normally the Department will provide a margin based on the "all others" rate from the investigation. The Department's preference for selecting a margin from the investigation is based on the fact that it is the only calculated rate that reflects the behavior of manufacturers, producers, and exporters without the discipline of an antidumping duty order or suspension agreement in place. Under certain circumstances, however, the Department may select a margin calculated more recently to report to the ITC.

In the first sunset reviews, the Department determined that the margin calculations in the

investigations were probative of behavior without the discipline of the orders. See Sunset Reviews, 65 FR at 25910. Since the first sunset reviews, the Department has not completed any administrative reviews of the antidumping duty orders on SSB from Brazil and Spain. Since the first sunset reviews, the Department has completed one administrative review of the antidumping duty order on SSB from Japan. See Japan 01/02 Review. Finally, since the first sunset reviews, the Department has completed several administrative and new-shipper reviews of the antidumping duty order on SSB from India. See *infra* footnote 3. Thus, the Department must determine the appropriate rates to report to the ITC regarding shipments of this merchandise.

As discussed above, the Department has not conducted any administrative reviews of the antidumping duty orders on SSB from either Brazil or Spain. Similarly, in the last administrative review of the antidumping duty order on SSB from Japan, the Department applied adverse facts available, or 61.47 percent, to Aichi Steel Works, Ltd., the only respondent for which the Department had completed an administrative review previously. See Japan 01/02 Review. Finally, while the Department has found de minimis margins for several respondents in reviews of the antidumping duty order on SSB from India, the Department has found margins above de minimis for other respondents. Absent argument or company-specific data indicating that such respondents with lower or de minimis margins maintained pre-order sales levels, the Department will provide the ITC with the rates from the original investigation. Accordingly, for each of these sunset reviews, the Department finds that it is appropriate to provide the ITC with the rates from the investigations because these rates are the only calculated rates that reflect the behavior of manufacturers, producers, and exporters without the discipline of an order in place. Thus, the Department will report to the ITC these same margins as listed in the “Final Results of Reviews” section below.

Final Results of Reviews

We determine that revocation of the antidumping duty orders on SSB from Brazil, India, Japan, and Spain would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Manufacturers/Exporters/Producers	Weighted-Average Margin (percent)
Brazil	
Acos Villares, S.A.	19.43 percent ad valorem
All Others	19.43 percent ad valorem
India	
Grand Foundry, Ltd.	3.87 percent ad valorem

Mukand, Ltd.	21.02 percent ad valorem
All Others	12.45 percent ad valorem

Japan	
Aichi Steel Works, Ltd.	61.47 percent ad valorem
Daido Steel Co., Ltd.	61.47 percent ad valorem
Sanyo Special Steel Co., Ltd.	61.47 percent ad valorem
All Others	61.47 percent ad valorem

Spain	
Acenor, S.A. (and all successor companies, including Digeco, S.A. and Clorimax, SRL)	62.85 percent ad valorem
Roldan, S.A.	7.72 percent ad valorem
All Others	25.77 percent ad valorem

Recommendation

Based on our analysis of the substantive responses received, we recommend adopting all of the above positions. If these recommendations are accepted, we will publish the final results of sunset reviews in the Federal Register.

AGREE _____

DISAGREE _____

David M. Spooner
Assistant Secretary
for Import Administration

Date